

## MILPITAS PLANNING COMMISSION AGENDA REPORT

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Category: New Business

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Public Hearing: Yes: \_\_\_\_\_ No: ✓ \_\_\_\_\_

Notices Mailed On: N/A

Published On: N/A

Posted On: N/A

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**TITLE:** **P-AD2003-4**

**Topic:** A Resolution finding the proposed Eighth Amendment to the Redevelopment Plan for Project Area No. 1 conforms to the General Plan and recommending approval of the Eighth Amendment and certification of the Program Environmental Impact Report to the Redevelopment Agency and City Council.

**RECOMMENDATION:** **Adopt Resolution No. 492**

**Attachments:** a) Draft Resolution  
b) Final EIR

Attachments provided on February 21<sup>st</sup>: a) Draft Program EIR  
b) Preliminary Report  
c) Amended & Restated Redevelopment Plan

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### BACKGROUND

**Note to Commissioners:** *Staff provided the three supporting documents listed above in advance of this mailout. Please bring these documents to the April 9<sup>th</sup> meeting as they may be referred to during staff's presentation or deliberations.*

In 1958, the City Council activated the Redevelopment Agency (Agency) to effectuate redevelopment projects within the City. The Agency's first Redevelopment Plan for Project Area No. 1 was adopted in 1976 and has been amended seven times. These previous amendments increased the size of the Project Area (two amendments added territory), increased the tax increments and bonded indebtedness limits, extended dates to incur debt, and revised and updated various portions of the Plan to conform to legally mandated amendments.

The City is undertaking an Eight Amendment to the Redevelopment Plan to increase the financial limits of the existing Project Area and to increase the size by 691 acres to include the Midtown Area. Adding the Midtown Area to the Project area will facilitate the implementation of the Midtown Specific Plan goals. Increasing the financial limits will increase the Agency's

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capacity to pay for public improvements that have yet to be completed under the provisions of the Redevelopment Plan.

This effort was started in 1999 by the City Council's designation of a redevelopment survey area (Resolution No. 6926). In October 2002, the Planning Commission selected the boundaries of the area to be added to the Redevelopment Plan for Project Area No. 1 and approved the Preliminary Plan (Resolution No. 491). In November 2002, the Agency accepted the Preliminary Plan, authorized preparation of the Program Environmental Impact Report (EIR), and established FY 02/03 as the base year for the purposes of collecting tax increment in the added area (Resolution RA195).

Having the Planning Commission find the proposed Amendment in conformance to the General Plan, and recommend approval of the Amendment and certification of the EIR to the Agency and City Council are the next steps in the amendment process. This amendment conforms to the General Plan because it proposes the same pattern of land uses and includes all streets and public facilities indicated by the City's General Plan and the Midtown Specific Plan. This action must be considered by the Planning Commission before the Amended and Restated Redevelopment Plan is submitted to the City Council and Redevelopment Agency.

California Redevelopment Law requires the preparation of an environmental impact report for plan amendments regardless of the significance of the environmental impacts. An EIR was prepared and it was found that the Eighth Amendment would not result in any significant impacts and therefore no mitigation measures are recommended. The Draft EIR was circulated for a 45-day public review period, from January 29<sup>th</sup> to March 14<sup>th</sup>. Written comments were received from various public agencies and responses were prepared. The responses to comments are contained in the Final EIR dated April 1, 2003.

## **RECOMMENDATION**

Adopt Resolution No. 492 finding the proposed Eighth Amendment to the Redevelopment Plan for Project Area No. 1 conforms to the General Plan and recommending approval of the Eighth Amendment and certification of the Program Environmental Impact Report to the Redevelopment Agency and City Council.

**RESOLUTION NO. 492**

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF MILPITAS FINDING THAT THE PROPOSED  
EIGHTH AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE  
MILPITAS REDEVELOPMENT PROJECT AREA NO. 1 CONFORMS TO  
THE MILPITAS GENERAL PLAN AND THE MIDTOWN SPECIFIC PLAN AND  
RECOMMENDING ADOPTION OF THE EIGHTH AMENDMENT AND CERTIFICATION  
OF THE PROGRAM EIR TO THE CITY COUNCIL AND REDEVELOPMENT AGENCY

**WHEREAS**, on September 21, 1976, by Ordinance No. 192, the City Council of the City of Milpitas ("City Council") adopted the redevelopment plan ("Redevelopment Plan") for the Milpitas Redevelopment Project Area No. 1 ("Original Project Area"); and

**WHEREAS**, the Redevelopment Plan has been amended a total of seven (7) times (as amended, the "Existing Plan") to, among other things, add area to the Original Project Area (as amended, the "Existing Project Area"), increase the tax increment and bonded indebtedness limits, and extend the dates to incur debt, repay debt and collect tax increment; and

**WHEREAS**, the Redevelopment Agency of the City of Milpitas ("Agency") is vested with the responsibility to carry out the Existing Plan; and

**WHEREAS**, the Agency again desires to amend the Existing Plan ("Eighth Amendment" or "Amended and Restated Redevelopment Plan") to add area ("Added Area") to the Existing Project Area and increase the tax increment and bonded indebtedness limits contained within the Existing Plan; and

**WHEREAS**, the Agency has prepared and completed an Amended and Restated Redevelopment Plan in draft form for the proposed Eighth Amendment; and

**WHEREAS**, the entire Added Area and a portion of the Existing Project Area are located within the adopted Milpitas Midtown Specific Plan ("Specific Plan") planning area; and

**WHEREAS**, Section 65359 of the Government Code requires that any specific plan of a city or county that is applicable to the same areas affected by the general plan should be consistent with the general plan; and

**WHEREAS**, the Specific Plan was found to be consistent with the City's General Plan and therefore is the planning tool for the future development/redevelopment of the Added Area and that portion of the Existing Project Area contained within the Specific Plan planning area; and

**WHEREAS**, in accordance with Sections 33346 and 33356 of the Community Redevelopment Law (Health and Safety Code Section 33000 et seq.), prior to the joint public hearing on the proposed Eighth Amendment, the Agency shall submit the Amended and Restated Redevelopment Plan to the Planning Commission of the City of Milpitas ("Planning Commission") for its report and recommendation concerning the Eighth Amendment and its conformity to the City's General Plan and the Specific Plan and pursuant to such review may recommend to the Agency for or against the approval of the Eighth Amendment; and

**WHEREAS**, the Eighth Amendment proposes no changes to land use designations of properties within the Existing Project Area or the Added Area, as designated herein, and land use designations contained in the Amended and Restated Redevelopment Plan are the same as those land use designations contained in the adopted land use map of the City's General Plan and the Specific Plan; and

**WHEREAS**, the Eighth Amendment proposes no changes to existing development standards for properties located within the Existing Project Area or the Added Area, and development standards applicable to the Existing Project Area and the Added Area, as enforced by the Amended and Restated Redevelopment Plan, are the same as the development standards contained in the City's General Plan and the Specific Plan; and

**WHEREAS**, based on an Initial Study and responses to the circulated Notice of Preparation, the City prepared a Draft Program Environmental Impact Report (EIR) dated January 27, 2003 (SCH 2002112043). The Draft EIR was circulated for a 45 day public review and comment period, from January 29, 2003 to March 14, 2003; and

**WHEREAS**, City staff reviewed all written comments received on the Draft EIR during the public review period and prepared written responses providing the City's good faith, reasoned analysis on the environmental issues raised by the comments. None of the responses included significant new information requiring recirculation of the Draft EIR. The written responses to comments are contained in a separately bound Final Program EIR dated April 1, 2003. The January 2003 Draft EIR and March 2003 Final EIR together constitute the final Environmental Impact Report for the Eighth Amendment pursuant to CEQA Guidelines sections 15089 and 15132, and are incorporated herein by reference; and

**WHEREAS**, the Agency has transmitted the proposed Amended and Restated Redevelopment Plan in draft form to the Planning Commission for their report and recommendations.

**NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF MILPITAS DOES HEREBY RESOLVE AS FOLLOWS:**

**Section 1.** The Planning Commission has reviewed the Amended and Restated Redevelopment Plan prepared for the Eighth Amendment and hereby finds and determines that the Amended and Restated Redevelopment Plan is consistent with the City's General Plan and the Specific Plan because it does not make changes to land uses permitted in the Existing Project Area and the Added Territory, or other general controls and limitations, and the land use designations, circulation systems, public facilities, proposed projects and programs, and development standards, and all other contents of the Amended and Restated Redevelopment Plan are in conformity with the City's General Plan and the Specific Plan.

**Section 2.** Pursuant to Government Code Section 65402, the Planning Commission hereby finds and determines that the location, purpose and extent of any real property to be acquired by dedication or otherwise for street, square, park or other public purposes, any real property to be disposed of, any street to be vacated or abandoned and any public buildings or structure to be constructed within the Existing Project Area or the Added Area, is in accordance with the City's General Plan and the Specific Plan.

**Section 3.** The Planning Commission hereby recommends the approval of the Eighth Amendment and certification of the Program Environmental Impact Report by the Agency and the City Council.

**Section 4.** The Planning Commission hereby authorizes and directs the officers, employees, staff, consultants and attorneys for the Planning Commission to take any action that may be necessary to effectuate the purposes of this resolution or which are appropriate or desirable in the circumstances. In the event that prior to the adoption of the Eighth Amendment, the Agency or City Council desires to make any minor, or technical or clarifying changes to the Amended and Restated Redevelopment Plan, the Planning Commission hereby finds and determines that any such minor, technical or clarifying changes need not be referred to it for further report and recommendations.

**Section 5.** The Planning Commission hereby finds and determines that this resolution shall constitute the report and recommendation of the Planning Commission to the Agency and the City Council concerning the Eighth Amendment.

**Section 6.** The Planning Commission hereby authorizes and directs the Secretary of the Planning Commission to transmit a copy of this resolution to the Agency and the City Council.

PASSED AND ADOPTED this 9<sup>th</sup> day of April 2003, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

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Chairperson

ATTEST:

\_\_\_\_\_  
Secretary